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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.2630 of 2006

Petitioner	Mohammad *S/o Qutubuddin*, Aged 58 years Occupation – B.S.P. Employee (Retd.) R/o Qr. No. 65/B, Camp-1, Bhilai, Tah. & District Durg (C.G.)
	Versus
Respondent Applicant	Steel Authority of India Ltd. *Company Registered under* Companies Act, Head Office New Delhi, Through : Dy. General Manager Town Administration Department Bhilai Steel Plant (B.S.P.), Tah. & Dist. Durg (C.G.)

Present : Shri Abhay Tiwari, learned counsel for the petitioner.

ORAL ORDER
(Passed on 16.6.2006)

The subject premise was allotted to the writ petitioner when he was an employee of the respondent - Company. The petitioner retired from service on 17-04-2001. He was granted time to vacate the subject premise up to 01-02-2002. The petitioner did not vacate the premise and that led to Estate Officer of the respondent-Company issuing notice under Sections 4(1) and 7(3) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (for short 'the Act'), ultimately resulting in eviction of the petitioner from the subject premise. Even the appeal preferred by the petitioner against the order of the Estate Officer was dismissed by the learned First Additional District Judge. Hence, this writ petition under Article 227 of the Constitution of India.

(2) Heard learned counsel for the petitioner. It was contended that in terms of SAIL SCHEME FOR LEASING OF HOUSE TO EMPLOYEES,

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2001, the subject premise should have been sold/conveyed to the petitioner and therefore, the eviction order passed by the Estate Officer of the respondent – Company is illegal and untenable. There is no need for the Court in the present proceedings to appreciate the above contention of the learned counsel for the petitioner. Suffice it to state that the subject premise was allotted to the petitioner when he was in the service of the respondent - Company as an employee. It is trite that after the petitioner ceased to be an employee of the respondent-Company, he was under a legal obligation to vacate and handover the possession of the subject premise to the respondent-Company in order to facilitate the Company to allot the same premise to another serving employee. If the petitioner has any independent legal right to claim that the subject premise ought to have been sold /conveyed to him in terms of the SAIL SCHEME FOR LEASING OF HOUSE TO EMPLOYEES, 2001, it is open to the petitioner to workout the legal remedies before the jurisdictional Civil Court by instituting a regular suit. That claim of the petitioner is left open. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice